



TAMIL NADU

GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 321] CHENNAI, FRIDAY, AUGUST 25, 2023
Aavani 8, Sobakiruthu, Thiruvalluvar Aandu-2054

Part V—Section 4

Notifications by the Election Commission of India

NOTIFICATIONS BY THE ELECTION COMMISSION OF INDIA

JUDGEMENT OF THE HIGH COURT OF MADRAS IN ELECTION
PETITION NO.11 OF 2016

No. SRO G-27/2023.

The following Notification of the Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110 001, dated 07th August, 2023 [16 Sravana 1945 (Saka)] is published:-

No. 82/TN-LA/(EP 11 of 2016)/2023:- In pursuance of section 106 (b) of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Order of the Hon'ble High Court of Madras dated 09.06.2023 in Election Petition No. 11 of 2016.

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(ORDINARY ORIGINAL CIVIL JURISDICTION)
FRIDAY, THE 9TH DAY OF JUNE 2023

THE HON'BLE MR. JUSTICE M.S. RAMESH

Election Petition No. 11 of 2016

&

O.A.No. 166 of 2022

&

O.A.Nos. 822 & 823 of 2021, 889 & 890 of 2018

ELP.No.11 OF 2016:-

K. Balu,
No.D 65/8, Easwar Apartment,
D Block, Anna Nagar East,
Chennai 600 102.

No. 077, Ulundurpet Assembly Constituency,
Party:Pattali Makkal Katchi (P.M.K.)
(Party Symbol Mango)

... *Petitioner*

-VS-

1. R. Kumaraguru,
Edaikkalgramam,
Thiruperiyar Post,
Ulundurpet Taluk,
Villupuram District.
2. N. Chandrasekaran,
No. 19/26, J. Anna Nagar,
Ulundurpet Taluk,
Villupuram District.
3. G.R. Vasanthavel,
No.3, Rottu Street, Elavathadi,
Modapalli Post,
Perperiyankuppam Via,
Ulundurpet Taluk,
Villupuram District.
4. Vijaykant,
No. 10/12A, Kannammal Street,
Saligramam,
Chennai-600 093.
5. G. Ramalingam,
No. 107-3/88A, Durgam Road,
Govinda Gounder Thottam,
Kallakurichi Town and Taluk,
Villupuram District.

6. M. SuriyaPrakash,
No. 3/151, Pudu Colony,
Anathur, Ulundurpet Taluk,
Villupuram District.
7. S. Desingh,
No. 1/28, East Street,
Eruvelpattu Post,
Ulundurpet Taluk,
Villupuram District.
8. S. Rajendran,
No.21/22, Nadu Street,
A.Kumaramangalam,
Ulundurpet Taluk,
Villupuram District.
9. M. Venkatesan,
No. 11, Samathuvapuram,
Thirunavalur Post,
Ulundurpet Taluk,
Villupuram District.
10. Agni Sri Ramachandran,
No. 16/18, Anna Street,
Mathiazhagan Nagar,
Saligramam,
Chennai-600 093.
11. K. Arasan,
No. 252, Mint Tank Street,
New Colony,
Pandur post,
Ulundurpet Taluk,
Villupuram District.
12. T. Arigovindan,
No. 3/422, South Street,
U Cellur,
Ulundurpet Taluk,
Villupuram District.

13. E. Arumugam,
No. 5/754, South Street,
Kizhapalayam,
Adhanur,
Ulundurpet Taluk,
Villupuram District.
14. D. Kumaraguru,
Mariamman Koil Street,
Erudhai Post,
Ulundurpet Taluk,
Villupuram District.
15. P. Shanmugam,
No.515A, 2nd Street,
Natesan Nagar,
Ramapuram,
Chennai-600 089.
16. G.V. Saravanan,
No. 106, Perumal Koil Street,
Gramam @ Thirumundicharam,
Ulundurpet Taluk,
Villupuram District.
17. Dr. K. Padmarajan,
No. 3/3, 23A, Padmanivas,
Raman Nagar Post,
Mettur Dam,
Salem District.
18. K. Bakkiyalakshmi,
No. 6/7, Valluvar Mettu Street,
Gandhi Nagar, Thiruvannainallur,
Villupuram District.
19. P. Balu,
East Street, Aaththipakkam,
Periyakurukkai Post,
Ulundurpet Taluk,
Villupuram District.

20. D. Manoharan,
No. 29, Visiyar Street Extension,
Thyagadurgam,
Kallakurichi Taluk,
Ulundurpet Taluk,
Villupuram District.
21. Rahamathullah Shariff,
No. 140, Chetty Street,
Pidagam,
Elavanasurkottai,
Ulundurpet Taluk,
Villupuram District.
22. K. Rajasekaran,
No. 126, South Street,
Pathur,
Ulundurpet Taluk,
Villupuram District.
23. A. Vijayakanth,
Thenpathi Colony,
U Keeranur,
Ulundurpet Post,
Villupuram District.
24. S. Vijayakanth,
No. 5/63, A. Kunjaram,
P.No. 5/59, P. Kunjaram Post,
Ulundurpet Taluk,
Villupuram District.
25. *The Returning Officer,
No. 77, Ulundurpet Assembly Constituency,
Villupuram District.
26. The District Collector Cum District Election Officer,
No. 77, Ulundurpet Assembly Constituency,
Villupuram District.
27. The Chief Electoral Officer,
Tamil Nadu State Secretariat,
Chennai 600 009.

28. The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi 110 001.*

... Respondents

(*Respondents 25 to 28 are struck off from the array of respondents as per common order of this Hon'ble court dated 16/10/2019 made in O.A. Nos. 313,314,315 & 318 of 2017 in ELP.No.11 of 2016*).

This Election Petition praying that this Hon'ble Court be pleased to a. declare the Election of 77, Ulundurpet Assembly Constituency, Tamil Nadu, held on 16.05.2016, in which results were declared on 19.05.2016 as null and void b. direct the respondents to pay the cost of election petition.

OA.No.166 OF 2022:-

K. Balu,
No. D 65/8, Easwar Apartment,
D Block, Anna Nagar East,
Chennai-600 102.

No. 077, Ulundurpet Assembly Constituency,
Party:Pattali Makkal Katchi (P.M.K.)

(Party Symbol:Mango)

... Applicant/Petitioner

-VS-

1. R. Kumaraguru,
Edaikkalgramam,
Thiruperiyar Post,
Ulundurpet Taluk,
Villupuram District.
2. N. Chandrasekaran,
No. 19/26, J. Anna Nagar,
Ulundurpet Taluk,
Villupuram District.
3. G.R. Vasanthavel,
No. 3, Rottu Street, Elavathadi,
Modapalli post,
Perperiyankuppam Via,
Ulundurpet Taluk,
Villupuram District.

4. Vijaykant,
No. 10/12A, Kannammal Street,
Saligramam,
Chennai-600 093.
5. G.Ramalingam,
No. 107-3/88A, Durgam Road,
Govinda Gounder Thottam,
Kallakurichi Town and Taluk,
Villupuram District.
6. M. SuriyaPrakash,
No. 3/151, Pudu Colony,
Anathur, Ulundurpet Taluk,
Villupuram District.
7. S. Desingh,
No. 1/28, East Street,
Eruvelpattu Post,
Ulundurpet Taluk,
Villupuram District.
8. S. Rajendran,
No. 21/22, Nadu Street,
A. Kumaramangalam,
Ulundurpet Taluk,
Villupuram District.
9. M. Venkatesan,
No.11, Samathuvapuram,
Thirunavalur Post,
Ulundurpet Taluk,
Villupuram District.
10. Agni Sri Ramachandran,
No. 16/18, Anna Street,
Mathiazhagan Nagar,
Saligramam,
Chennai-600 093.
11. K. Arasan,
No. 252, Mint Tank Street,
New Colony,
Pandur Post,
Ulundurpet Taluk,
Villupuram District.

12. T. Arigovindan,
No.3/422, South Street,
U Cellur,
Ulundurpet Taluk,
Villupuram District.
13. E. Arumugam,
No. 5/754, South Street,
Kizhapalayam,
Adhanur,
Ulundurpet Taluk,
Villupuram District.
14. D. Kumaraguru,
Mariamman Koil Street,
Erudhai Post,
Ulundurpet Taluk,
Villupuram District.
15. P. Shanmugam,
No. 515A, 2nd Street,
Natesan Nagar,
Ramapuram,
Chennai-600 089.
16. G.V. Saravanan,
No.106, Perumal Koil Street,
Gramam @ Thirumundicharam,
Ulundurpet Taluk,
Villupuram District.
17. Dr. K. Padmarajan,
No.3/3, 23A, Padmanivas,
Raman Nagar Post,
Mettur Dam,
Salem District.
18. K. Bakkiyalakshmi,
No. 6/7, Valluvar Mettu Street,
Gandhi Nagar, Thiruvannainallur,
Villupuram District.

19. P. Balu,
East Street, Aaththipakkam,
Periyakurukkai Post,
Ulundurpet Taluk,
Villupuram District.
20. D. Manoharan,
No. 29, Visiyar Street Extension,
Thyagadurygam,
Kallakurichi Taluk,
Ulundurpet Taluk,
Villupuram District.
21. Rahamathullah Shariff,
No. 140, Chetty Street,
Pidagam,
Elavanasurkottai,
Ulundurpet Taluk,
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No. 126, South Street,
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Ulundurpet Taluk,
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27. The Chief Electoral Officer,
Tamil Nadu State Secretariat,
Chennai-600 009.

28. The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi-110 001.*

... Respondents

(*Respondents 25 to 28 struck off on 16/10/2019 in O.A Nos. 313, 314, 315 & 318 of 2017*)

Original Application praying that this Hon'ble court be pleased to permit the petitioner to withdraw the election petition in ELP.No.11 of 2016.

OA.Nos.822 & 823 OF 2021:-

R. Kumaraguru,
S/o. Ramasamy,
Edaikkal Gramam,
Thiruperiyar Post,
Ulundurpet Taluk,
Villupuram District.

... Applicant/1st Respondent

-VS-

1. K. Balu,
No. D 65/8, Easwar Apartment,
D Block, Anna Nagar East,
Chennai-600 102.

...1st Respondent/Election Petitioner

2. N. Chandrasekaran,
No. 19/26, J. Anna Nagar,
Ulundurpet Taluk,
Villupuram District.

3. G.R. Vasanthavel,
No. 3, Rottu Street, Elavathadi,
Modapalli Post,
Perperiyankuppam Via,
Ulundurpet Taluk,
Villupuram District.

4. Vijaykant,
No. 10/12A, Kannammal Street,
Saligramam,
Chennai-600 093.

5. G. Ramalingam,
No. 107-3/88A, Durgam Road,
Govinda Gounder Thottam,
Kallakurichi Town and Taluk,
Villupuram District.
6. M. Suriya Prakash,
No.3/151, Pudu Colony,
Anathur, Ulundurpet Taluk,
Villupuram District.
7. S. Desingh,
No. 1/28, East Street,
Eruvelpattu Post,
Ulundurpet Taluk,
Villupuram District.
8. S. Rajendran,
No.21/22, Nadu Street,
B. Kumaramangalam,
Ulundurpet Taluk,
Villupuram District.
9. M. Venkatesan,
No. 11, Samathuvapuram,
Thirunavalur Post,
Ulundurpet Taluk,
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10. Agni Sri Ramachandran,
No. 16/18, Anna Street,
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Saligramam,
Chennai-600 093.
11. K. Arasan,
No. 252, Mint Tank Street,
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12. T. Arigovindan,
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U Cellur,
Ulundurpet Taluk,
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13. E. Arumugam,
No. 5/754, South Street,
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Adhanur,
Ulundurpet Taluk,
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14. D. Kumaraguru,
Mariamman Koil Street,
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Ulundurpet Taluk,
Villupuram District.
15. P. Shanmugam,
No. 515A, 2nd Street,
Natesan Nagar,
Ramapuram,
Chennai-600 089.
16. G.V. Saravanan,
No. 106, Perumal Koil Street,
Gramam @ Thirumundicharam,
Ulundurpet Taluk,
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No. 3/3, 23A, Padmanivas,
Raman Nagar Post,
Mettur Dam,
Salem District.
18. K. Bakkiyalakshmi,
No. 6/7, Valluvar Mettu Street,
Gandhi Nagar, Thiruvennainallur,
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19. P. Balu,
East Street, Aaththipakkam,
Periyakurukkai Post,
Ulundurpet Taluk,
Villupuram District.
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No. 29, Visiyar Street Extension,
Thyagadurgam,
Kallakurichi Taluk,
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Villupuram District.

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25. *The Returning Officer,
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26. The District Collector-Cum-District Election Officer,
No. 77, Ulundurpet Assembly Constituency,
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Tamil Nadu State Secretariat,
Chennai 600 009.
28. The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi 110 001.*

...Respondents

(*Respondents 25 to 28 are struck off on 16/10/2019 in O.A.Nos.313, 314,315 & 318 of 2017*)

OA.No. 822 OF 2021:-

Original Application praying that this Hon'ble court be pleased to strike of the pleadings in paragraphs numbers, 4,5,6,7,8 as vexatious, Para 9,10,11,12,13,14,15,16,17 as the election petitioner does not have direct knowledge, paras 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 in

ELP. No.11 of 2016, as it was based upon the legal knowledge as it was not supported by materials as unnecessary, frivolous, and not admissible in the eye of law, filed by the Election petitioner and consequently dismiss the same.

OA.No. 823 OF 2021:-

Original Application praying that this Hon'ble court be pleased to reject the Election Petition in ELP.No.11 of 2016, filed by the Election petitioner.

OA.Nos. 889 & 890 OF 2018:-

The Returning Officer,
No. 77, Ulundurpet Assembly Constituency,
Villupuram District

...

Applicant/25th Respondent

-Vs-

1. K. Balu,
No. D 65/8, Easwar Apartment,
D Block, Anna Nagar East,
Chennai 600 102.
No.077, Ulundurpet Assembly Constituency,
Party : Pattali Makkal Katchi (P.M.K.)
(Party Symbol; Mango)

...

Respondent/Petitioner

2. R. Kumaraguru,
Edaikkalgramam,
Thiruperiyar Post,
Ulundurpet Taluk,
Villupuram District.
3. N. Chandrasekaran,
No. 19/26, J.Anna Nagar,
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No.3/3, 23A, Padmanivas,
Raman Nagar Post,
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No. 6/7, Valluvar Mettu Street,
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 26. The District Collector *Cum* District Election Officer,
No. 77, Ulundurpet Assembly Constituency,
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 27. The Chief Electoral Officer,
Tamil Nadu State Secretariat,
Chennai 600 009.
 28. The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi-110 001.
- Respondents/Respondents*

OA.No. 889 OF 2018:-

The Original Application praying that this Hon'ble court be pleased to permit the applicant to file the application to release the EVM.

OA.No. 890 OF 2018:-

The Original Application praying that this Hon'ble court be pleased to permit the applicant to release the electronic voting machines used for the elections in No. 077, Ulundurpet Assembly Constituency, Villupuram District, challenged in Election Petition No.11 of 2016 for the use of the Election Commission of India.

The Election Petition & Original Applications having been heard in the presence of Mr. R. Jothimanian, Advocate for the Election Petitioner/Applicant in OA.No.166 of 2022 for the 1st Respondent in OA.No.822, 823 of 2021, OA.No.889, 890 of 2018; Mr.M.Jothikumar, Advocate for the 1st respondent in Election Petition and OA.No.166 of 2022 and the applicant in OA.No.822, 823 of 2021 and for the 2nd respondent in OA.No.889, 890 of 2018; and Mr. V .Rajesh, advocate for the 2nd respondent in Election Petition and OA.No.166 of 2022, 822,823 of 2021 and for the 3rd respondent in OA.No.889,890 of 2018; and upon reading the Election Petition, Affidavit, and Judges Summon, Affidavit of K. Balu filed in ELP.No.11 of 2016 and OA.No. 166 of 2022 respectively; Judges summon affidavit of Kumaraguru filed in OA.No. 822, 823 of 2021 and Judges summon and affidavit of G. Ramu filed in OA.No. 889 and 890 of 2018 and the order of this court dated 28/03/2022 made in OA.No. 166 of 2022 and the *Tamil Nadu Government Gazette* Publication dated 12/04/2023 and this court having observed that no person has sought for substituting himself in the place of the petitioner herein, within 14 days of the said publication as stipulated under Section 110(3) (c) of the act and

it is ordered as follows:-

That the Election Petitioner be and is hereby permitted to withdraw the Election Petition No. 11 of 2016 on condition that the Petitioner pay a sum of Rs.10, 000/-(Rupees Ten thousand only) as costs to the 1st respondent herein under Section 110(3) (a) of the Act, within a period of ten days from the date of receipt of a copy of this order.

2. Subject to the payment of costs mentioned in clause 1 supra that the Election Petition No.11 of 2016 be and is hereby dismissed as withdrawn.
3. That the connected Original Application Nos.822 & 823 of 2021 and 889 & 890 of 2018 in ELP.No.11 of 2016 be and are hereby dismissed.
4. That the Chief Election Commissioner, New Delhi, shall publish the withdrawal of Election Petition No. 11 of 2016 in the Official Gazette.

WITNESS, THE HON'BLE MR.JUSTICE SANJAY VIJAYKUMAR GANGAPURWALA,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 9th DAY
OF JUNE 2023.

Sd./-
ASSISTANT REGISTRAR
Original Side-II

//Certified to be true copy//

Dated at Madras this the 3rd day of July 2023.

COURT OFFICER (O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

PK

22/06/2023

Election Petition No. 11 of 2016

&

OA. NO. 166 OF 2022

&

OA NOS. 822 & 823 OF 2021,

889 & 890 OF 2018

DECREE DATED: 09/06/2023

THE HON'BLE MR. JUSTICE

M.S. RAMESH

FOR APPROVAL: 27/06/2023

APPROVED ON: 27/06/2023

Copy to:-

1. The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan,
Ashoka Road. New Delhi.
2. The Returning Officer,
No. 77, Ulundurpet Assembly
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Villupuram District.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 9TH DAY OF JUNE 2023

THE HON'BLE MR. JUSTICE M.S. RAMESH

Election Petition No. 11 of 2016

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OA.NO. 166 OF 2022

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OA NOS. 822 & 823 OF 2021, 889 & 890 OF 2018

ELP.No.11 OF 2016:-

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Party:Pattali Makkal Katchi (P.M.K.)
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Villupuram District.
8. S. Rajendran,
No. 21/22, Nadu Street,
A.Kumaramangalam,
Ulundurpet Taluk,
Villupuram District.
9. M. Venkatesan,
No.11, Samathuvapuram,
Thirunavalur Post,
Ulundurpet Taluk,
Villupuram District.
10. Agni Sri Ramachandran,
No. 16/18, Anna Street,
Mathiazhagan Nagar,
Saligramam,
Chennai-600 093.
11. K. Arasan,
No. 252, Mint Tank Street,
New Colony,
Pandur post,
Ulundurpet Taluk,
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12. T. Arigovindan,
No. 3/422, South Street,
U Cellur,
Ulundurpet Taluk,
Villupuram District.

13. E. Arumugam,
No.5/754, South Street,
Kizhapalayam, Adhanur,
Ulundurpet Taluk,
Villupuram District.
14. D. Kumaraguru,
Mariamman Koil Street,
Erudhai Post,
Ulundurpet Taluk,
Villupuram District.
15. P. Shanmugam,
No.515A, 2nd Street,
Natesan Nagar,
Ramapuram,
Chennai 600 089.
16. G.V. Saravanan,
No. 106, Perumal Koil Street,
Gramam @ Thirumundicharam,
Ulundurpet Taluk,
Villupuram District.
17. Dr. K. Padmarajan,
No. 3/3, 23A, Padmanivas,
Raman Nagar Post,
Mettur Dam,
Salem District.
18. K. Bakkiyalakshmi,
No. 6/7, Valluvar Mettu Street,
Gandhi Nagar, Thiruvannainallur,
Villupuram District.
19. P. Balu,
East Street, Aaththipakkam,
Periyakurukkai Post,
Ulundurpet Taluk,
Villupuram District.
20. D. Manoharan,
No. 29, Visiyar Street Extension,
Thyagadurgam,
Kallakurichi Taluk,
Ulundurpet Taluk,
Villupuram District.

21. Rahamathullah Shariff,
No. 140, Chetty Street,
Pidagam,
Elavanasurkottai,
Ulundurpet Taluk,
Villupuram District.
22. K. Rajasekaran,
No. 126, South Street,
Pathur,
Ulundurpet Taluk,
Villupuram District.
23. A. Vijayakanth,
Thenpathi Colony,
U Keeranur,
Ulundurpet Post,
Villupuram District.
24. S. Vijayakanth,
No.5/63, A.Kunjaram,
P.No.5/59, P.Kunjaram Post,
Ulundurpet Taluk,
Villupuram District.
25. *The Returning Officer,
No. 77, Ulundurpet Assembly Constituency,
Villupuram District.
26. The District Collector Cum District Election Officer,
No. 77, Ulundurpet Assembly Constituency,
Villupuram District.
27. The Chief Electoral Officer,
Tamil Nadu State Secretariat,
Chennai-600 009.
28. The Chief Election Commissioner,
Election Commission of India,
Nirvachansandan, Ashoka Road,
New Delhi 110 001.*

... Respondents

(*Respondents 25 to 28 are struck off from the array of respondents as per common order of this Hon'ble court dated 16/10/2019 made in O.A.Nos. 313, 314, 315 & 318 of 2017 in ELP.No. 11 of 2016*)

This Election Petition praying that this Hon'ble Court be pleased to a. declare the Election of 77, Ulundurpet Assembly Constituency, Tamil Nadu, held on 16.05.2016, in which results were declared on 19.05.2016 as null and void b. direct the respondents to pay the cost of election petition.

OA.No.166 OF 2022:-

K. Balu,
No. D 65/8, Easwar Apartment,
D Block, Anna Nagar East,
Chennai-600 102.
No.077, Ulundurpet Assembly Constituency,
Party:Pattali Makkal Katchi (P.M.K.)
(Party Symbol: Mango)

...

Applicant/Petitioner

-VS-

1. R. Kumaraguru,
Edaikkalgramam,
Thiruperiyar Post,
Ulundurpet Taluk,
Villupuram District.
2. N. Chandrasekaran,
No. 19/26, J. Anna Nagar,
Ulundurpet Taluk,
Villupuram District.
3. G.R. Vasanthavel,
No. 3, Rottu Street, Elavathadi,
Modapalli Post,
Perperiyankuppam Via,
Ulundurpet Taluk,
Villupuram District.
4. Vijaykant,
No. 10/12A, Kannammal Street,
Saligramam,
Chennai- 600 093.
5. G. Ramalingam,
No. 107-3/88A, Durgam Road,
Govinda Gounder Thottam,
Kallakurichi Town and Taluk,
Villupuram District.
6. M. SuriyaPrakash,
No. 3/151, Pudu Colony,
Anathur, Ulundurpet Taluk,
Villupuram Dsitric.
7. S. Desingh,
No. 1/28, East Street,
Eruvelpattu Post,
Ulundurpet Taluk,
Villupuram District.

8. S. Rajendran,
No. 21/22, Nadu Street,
A.Kumaramangalam,
Ulundurpet Taluk,
Villupuram District.
9. M. Venkatesan,
No. 11, Samathuvapuram,
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No. 16/18, Anna Street,
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Saligramam,
Chennai - 600 093.
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No. 5/754, South Street,
Kizhapalayam,
Adhanur,
Ulundurpet Taluk,
Villupuram District.
14. D. Kumaraguru,
Mariamman Koil Street,
Erudhai Post,
Ulundurpet Taluk,
Villupuram District.
15. P. Shanmugam,
No. 515A, 2nd Street,
Natesan Nagar,
Ramapuram,
Chennai-600 089.

16. G.V. Saravanan,
No. 106, Perumal Koil Street,
Gramam @ Thirumundicharam,
Ulundurpet Taluk,
Villupuram District.
17. Dr. K. Padmarajan,
No. 3/3, 23A, Padmanivas,
Raman Nagar Post,
Mettur Dam,
Salem District.
18. K. Bakkiyalakshmi,
No. 6/7, Valluvar Mettu Street,
Gandhi Nagar, Thiruvannainallur,
Villupuram District.
19. P. Balu,
East Street, Aaththipakkam,
Periyakurukkai Post,
Ulundurpet Taluk,
Villupuram District.
20. D. Manoharan,
No. 29, Visiyar Street Extension,
Thyagadurgam,
Kallakurichi Taluk,
Ulundurpet Taluk,
Villupuram District.
21. Rahamathullah Shariff,
No. 140, Chetty Street,
Pidagam,
Elavanasurkottai,
Ulundurpet Taluk,
Villupuram District.
22. K. Rajasekaran,
No. 126, South Street,
Pathur,
Ulundurpet Taluk,
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23. A. Vijayakanth,
Thenpathi Colony,
U Keeranur,
Ulundurpet Post,
Villupuram District.

24. S. Vijayakanth,
No. 5/63, A.Kunjaram,
P.No. 5/59, P.Kunjaram Post,
Ulundurpet Taluk,
Villupuram District.
 25. *The Returning Officer,
No. 77, Ulundurpet Assembly Constituency,
Villupuram District.
 26. The District Collector Cum District Election Officer,
No.77, Ulundurpet Assembly Constituency,
Villupuram District.
 27. The Chief Electoral Officer,
Tamil Nadu State Secretariat,
Chennai-600 009.
 28. The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi 110 001.*
- ... Respondents

(*Respondents 25 to 28 struck off on 16/10/2019 in O.A.Nos.313, 314,315 & 318 of 2017*)

Original Application praying that this Hon'ble court be pleased to permit the petitioner to withdraw the election petition in ELP.No. 11 of 2016.

OA.Nos.822 & 823 OF 2021:-

R. Kumaraguru,
S/o. Ramasamy,
Edaikkal gramam,
Thiruperiyar Post,
Ulundurpet Taluk,
Villupuram District.

... Applicant/1st Respondent

-VS-

1. K. Balu,
No.D 65/8, Easwar Apartment,
D Block, Anna Nagar East,
Chennai 600 102.
- ... 1st Respondent/Election Petitioner
2. N. Chandrasekaran,
No. 19/26, J. Anna Nagar,
Ulundurpet Taluk,
Villupuram District.

3. G.R. Vasanthavel,
No. 3, Rottu Street, Elavathadi,
Modapalli post, Perperiyankuppam Via,
Ulundurpet Taluk,
Villupuram District.
4. Vijaykant,
No. 10/12A, Kannammal Street,
Saligramam,
Chennai- 600 093.
5. G. Ramalingam,
No. 107-3/88A, Durgam Road,
Govinda Gounder Thottam,
Kallakurichi Town and Taluk,
Villupuram District.
6. M. SuriyaPrakash,
No. 3/151, Pudu Colony,
Anathur, Ulundurpet Taluk,
Villupuram District.
7. S. Desingh,
No. 1/28, East Street,
Eruvelpattu Post,
Ulundurpet Taluk,
Villupuram District.
8. S. Rajendran,
No. 21/22, Nadu Street,
A.Kumaramangalam,
Ulundurpet Taluk,
Villupuram District.
9. M. Venkatesan,
No. 11, Samathuvapuram,
Thirunavalur Post,
Ulundurpet Taluk,
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10. Agni Sri Ramachandran,
No. 16/18, Anna Street,
Mathiazhagan Nagar,
Saligramam,
Chennai - 600 093.
11. K. Arasan,
No. 252, Mint Tank Street,
New Colony,
Pandur Post, Ulundurpet Taluk,
Villupuram District.

12. T. Arigovindan,
No. 3/422, South Street,
U Cellur,
Ulundurpet Taluk,
Villupuram District.
13. E. Arumugam,
No. 5/754, South Street,
Kizhapalayam,
Adhanur,
Ulundurpet Taluk,
Villupuram District.
14. D. Kumaraguru,
Mariamman Koil Street,
Erudhai Post,
Ulundurpet Taluk,
Villupuram District.
15. P. Shanmugam,
No. 515A, 2nd Street,
Natesan Nagar,
Ramapuram,
Chennai 600 089.
16. G.V. Saravanan,
No. 106, Perumal Koil Street,
Gramam @ Thirumundicharam,
Ulundurpet Taluk,
Villupuram District.
17. Dr. K. Padmarajan,
No. 3/3, 23A, Padmanivas,
Raman Nagar Post,
Mettur Dam,
Salem District.
18. K. Bakkiyalakshmi,
No. 6/7, Valluvar Mettu Street,
Gandhi Nagar,
Thiruvannainallur,
Villupuram District.
19. P. Balu,
East Street, Aaththipakkam,
Periyakurukkai Post,
Ulundurpet Taluk,
Villupuram District.

20. D. Manoharan,
No. 29, Visiyar Street Extension,
Thyagadurgam,
Kallakurichi Taluk,
Ulundurpet Taluk,
Villupuram District.
21. Rahamathullah Shariff,
No. 140, Chetty Street,
Pidagam,
Elavanasurkottai,
Ulundurpet Taluk,
Villupuram District.
22. K. Rajasekaran,
No. 126, South Street,
Pathur,
Ulundurpet Taluk,
Villupuram District.
23. A. Vijayakanth,
Thenpathi Colony,
U Keeranur,
Ulundurpet Post,
Villupuram District.
24. S. Vijayakanth,
No. 5/63, A. Kunjaram,
P.No.5/59, P. Kunjaram Post,
Ulundurpet Taluk,
Villupuram District.
25. *The Returning Officer,
No. 77, Ulundurpet Assembly Constituency,
Villupuram District.
26. The District Collector Cum District Election Officer,
No. 77, Ulundurpet Assembly Constituency,
Villupuram District.
27. The Chief Electoral Officer,
Tamil Nadu State Secretariat,
Chennai-600 009.
28. The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi 110 001.*

...Respondents

(*Respondents 25 to 28 are struck off on 16/10/2019 in O.A.Nos. 313, 314,315 & 318 of 2017*)

OA.Nos. 822 OF 2021: -

Original Application praying that this Hon'ble court be pleased to strike of the pleadings in paragraphs numbers, 4,5,6,7,8 as vexatious, Para 9,10,11,12,13,14,15,16,17 as the election petitioner does not have direct knowledge, paras 18,19,20,21,22,23,24,25,26,27,28,29 in ELP.No.11 of 2016, as it was based upon the legal knowledge as it was not supported by materials as unnecessary, frivolous, and not admissible in the eye of law, filed by the Election petitioner and consequently dismiss the same.

OA.Nos. 823 OF 2021:-

Original Application praying that this Hon'ble court be pleased to reject the Election Petition in ELP.No.11 of 2016, filed by the Election petitioner.

OA.Nos. 889 & 890 OF 2018:-

The Returning Officer
No. 77, Ulundurpet Assembly Constituency,
Villupuram District

...

Applicant/25th Respondent

-Vs-

1. K. Balu,
No. D 65/8, Easwar Apartment,
D Block, Anna Nagar East,
Chennai 600 102.
No. 077, Ulundurpet Assembly Constituency,
Party:Pattali Makkal Katchi (P.M.K.)

(Party Symbol: Mango) ...

Respondent/Petitioner

2. R. Kumaraguru,
Edaikkalgramam,
Thiruperiyar Post,
Ulundurpet Taluk,
Villupuram District.
3. N. Chandrasekaran,
No. 19/26,
J. Anna Nagar,
Ulundurpet Taluk,
Villupuram District.
4. G.R. Vasanthavel,
No. 3, Rottu Street,
Elavathadi, Modapalli post,
Perperiyankuppam Via,
Ulundurpet Taluk,
Villupuram District.
5. Vijaykant,
No. 10/12A, Kannammal Street,
Saligramam,
Chennai-600 093.

6. G. Ramalingam,
No. 107-3/88A, Durgam Road,
Govinda Gounder Thottam,
Kallakurichi Town and Taluk,
Villupuram District.
7. M. SuriyaPrakash,
No. 3/151, Pudu Colony,
Anathur, Ulundurpet Taluk,
Villupuram District.
8. S. Desingh,
No. 1/28, East Street,
Eruvelpattu Post,
Ulundurpet Taluk,
Villupuram District.
9. S. Rajendran,
No. 21/22, Nadu Street,
A.Kumaramangalam,
Ulundurpet Taluk,
Villupuram District.
10. M. Venkatesan,
No. 11, Samathuvapuram,
Thirunavalur Post,
Ulundurpet Taluk,
Villupuram District.
11. Agni Sri Ramachandran,
No. 16/18, Anna Street,
Mathiazhagan Nagar,
Saligramam,
Chennai - 600 093.
12. K. Arasan,
No. 252, Mint Tank Street,
New Colony,
Pandur post, Ulundurpet Taluk,
Villupuram District.
13. T. Arigovindan,
No. 3/422, South Street,
U Cellur,
Ulundurpet Taluk,
Villupuram District.
14. E. Arumugam,
No. 5/754, South Street,
Kizhapalayam,
Adhanur,
Ulundurpet Taluk,
Villupuram District.

15. D. Kumaraguru,
Mariamman Koil Street,
Erudhai Post,
Ulundurpet Taluk,
Villupuram District.
16. P. Shanmugam,
No. 515A, 2nd Street,
Natesan Nagar,
Ramapuram,
Chennai-600 089.
17. G.V. Saravanan,
No. 106, Perumal Koil Street,
Gramam @ Thirumundicharam,
Ulundurpet Taluk,
Villupuram District.
18. Dr. K. Padmarajan,
No. 3/3, 23A, Padmanivas,
Raman Nagar Post,
Mettur Dam,
Salem District.
19. K. Bakkiyalakshmi,
No. 6/7, Valluvar Mettu Street,
Gandhi Nagar, Thiruvannainallur,
Villupuram District.
20. P. Balu,
East Street, Aaththipakkam,
Periyakurukkai Post,
Ulundurpet Taluk,
Villupuram District.
21. D. Manoharan,
No. 29, Visiyar Street Extension,
Thyagadurgam, Kallakurichi Taluk,
Ulundurpet Taluk,
Villupuram District.
22. Rahamathullah Shariff,
No. 140, Chetty Street,
Pidagam,
Elavanasurkottai,
Ulundurpet Taluk,
Villupuram District.
23. K. Rajasekaran,
No. 126, South Street,
Pathur,
Ulundurpet Taluk,
Villupuram District.

24. A. Vijayakanth,
Thenpathi Colony,
U Keeranur,
Ulundurpet Post,
Villupuram District.
 25. S. Vijayakanth,
No.5/63, A.Kunjaram,
P.No.5/59, P.Kunjaram Post,
Ulundurpet Taluk,
Villupuram District.
 26. The District Collector Cum District Election Officer,
No. 77, Ulundurpet Assembly Constituency,
Villupuram District.
 27. The Chief Electoral Officer,
Tamil Nadu State Secretariat,
Chennai 600 009.
 28. The Chief Election Commissioner,
Election Commission of India,
Nirvachan sadan, Ashoka Road,
New Delhi 110 001.*
- ... Respondents/Respondents

OA.No. 889 OF 2018:-

The Original Application praying that this Hon'ble court be pleased to permit the applicant to file the application to release the EVM.

OA.No. 890 OF 2018:-

The Original Application praying that this Hon'ble court be pleased to permit the applicant to release the electronic voting machines used for the elections in No.077, Ulundurpet Assembly Constituency, Villupuram District, challenged in Election Petition. No.11 of 2016 for the use of the Election Commission of India.

The Election Petition & Original Applications having been heard in the presence of Mr. R. Jothimanian, Advocate for the Election Petitioner/Applicant in OA.No. 166 of 2022 for the 1st Respondent in OA.No. 822, 823 of 2021, OA.No.889, 890 of 2018; Mr. M. Jothikumar, Advocate for the 1st respondent in Election Petition and OA.No.166 of 2022 and the applicant in OA.No. 822, 823 of 2021 and for the 2nd respondent in OA.No.889, 890 of 2018; and Mr.V.Rajesh, Advocate for the 2nd respondent in Election Petition and OA.No. 166 of 2022, 822,823 of 2021 and for the 3rd respondent in OA.No.889,890 of 2018; and upon reading the Election Petition, Affidavit, and Judges Summon, Affidavit of K. Balu filed in ELP.No.11 of 2016 and OA.No.166 of 2022 respectively; Judges summon affidavit of Kumaraguru filed in OA.No.822, 823 of 2021 and Judges summon and affidavit of G.Ramu filed in OA.No. 889 and 890 of 2018 and the order of this court dated 28/03/2022 made in OA.No. 166 of 2022 and

the court made the following order:-

The petitioner, who is the unsuccessful candidate in the Election of 77, Ulundurpet Assembly Constituency, Tamil Nadu, held on 16.05.2016, challenges the election of the first respondent / returned candidate, who was declared as elected

on 19.05.2016 in the main Election Petition in ELP. No.11 of 2016. Pending Election Petition, O.A.No. 166 of 2022 has been filed under Order XIV Rule VIII of Madras High Court Original Side Rules r/w. Section 109 (1) of the Representation of People Act, 1951 (hereinafter referred to as "the Act").

2. Heard Mr. R. Jothimanian, learned counsel for the petitioner and Mr.M.Jothikumar, as well as Mr. V. Rajesh, learned counsel for the first and second respondent respectively.

3. The first respondent herein is the successful returned candidate. The respondents 2 to 24, though served with the notice of hearing, have not entered appearance. The official respondents 25 to 28 were struck off from the proceedings vide a common order dated 16.10.2019 passed in O.A. Nos.313, 314, 315 & 318 of 2017. Thus, the only contesting respondent in the present Original Application in O.A.No.166 of 2022 is the first respondent.

4. There is no objection from the first respondent, alleging that the present application "for withdrawal" has been induced by any bargain or consideration, which ought not to be allowed, as contemplated under Section 110 (2) of the Act.

5. On the directions of this Court, the petitioner had also published a notice of hearing in O.A.No.166 of 2022 in ELP. No.11 of 2016 in the *Tamil Nadu Government Gazette* Publication dated 12.04.2023, as required under Section 110 (3)(b) of the Act. No person has sought for substituting himself in the place of the petitioner herein, within 14 days of the said publication, as stipulated under Section 110 (3)(c) of the Act.

6. In the light of the above, leave is hereby granted to the petitioner to withdraw the main Election Petition in ELP. No.11 of 2016, on condition that the petitioner pays a sum of Rs. 10,000/- as costs to the first respondent herein under Section 110 (3)(a) of the Act, within a period of ten days from the date of receipt of a copy of this order. Accordingly, the Original Application in O.A.No.166 of 2022 stands allowed and the Election Petition No. 11 of 2016 is "dismissed as withdrawn". Consequently, the connected Original Applications viz., OA.Nos.822 & 823 of 2021 and 889 & 890 of 2018 stand dismissed.

7. Registry shall report the fact of this withdrawal of the main Election Petition i.e., ELP. No.11 of 2016 to the Chief Election Commissioner, New Delhi, who shall thereupon publish the report in the Official Gazette.

WITNESS, THE HON'BLE MR. JUSTICE SANJAY VIJAYKUMAR
GANGAPURWALA, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID,
THIS THE 9TH DAY OF JUNE 2023.

Sd./-
ASSISTANT REGISTRAR
Original Side - II

//Certified to be true copy//
Dated at Madras this the 3rd day of July 2023.

COURT OFFICER (O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

PK

22/06/2023

Election Petition No. 11 of 2016

&

OA.No.166 OF 2022

&

OA Nos.822 & 823 OF 2021,
889 & 890 OF 2018

ORDER DATED: 09/06/2023

THE HON'BLE MR. JUSTICE

M.S. RAMESH

FOR APPROVAL: 27/06/2023

APPROVED ON :27/06/2023

Copy to:-

1. The Chief Election Commissioner,
Election Commission of India,
Nirvachan sadan,
Ashoka Road. New Delhi.
2. The Returning Officer,
No. 77, Ulundurpet Assembly
Constituency, Villupuram District.

(By Order)

MALAY MALLICK,
Principal Secretary,
Election Commission of India.

Secretariat,
Chennai-600 009,
25th August, 2023.

SATYABRATA SAHOO,
Chief Electoral Officer and
Principal Secretary to Government,
Public (Elections) Department.